IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION No. 556 OF 2007

Smt. KusumDilip Sukhdeve
v.
Bansilal Ramchandra Chattani & anr.

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.P.Marpakwar Advocate for the Petitioner.
Mr.B.D.Vora Advocate for respdt. no.2.

....

CORAM: A.B. CHAUDHARI, J.
DATED : 26th SEPTEMBER, 2007.

Heard Mr.Marpakwar, learned counsel for the petitioner/original plaintiffs and Mr.Vora for respondent no.2.

2. This petition is directed against the order dated 3.2.3007 made by the 3rd Joint Civil Judge, Jr.Dn.. Yavatmal rejecting the application for amendment to the plaint.

3. The original suit was filed for permanent injunction in respect of a particular plot. It is seen that the petitioner was vacated therefrom and hence the suit for permanent

injunction was filed. Now by the proposed amendment, the petitioner wanted to add State Government and Officers of the Government as party-defendants for claiming relief of allotment of some other plot. The relief claimed in the amendment application is totally different and, as such, cannot be allowed to be incorporated in the plaint. The only proper remedy to the plaintiff is to make a regular application, if so advised, to the State Government/Collector for allotment of a plot and, as suggested by the trial Court, to file a civil suit on the basis of such cause of action. There is no substance in the petition which is rejected.

Liberty to add parties if permissible in law.

JUDGE

/TA/